

STATE OF MICHIGAN  
COURT OF APPEALS

---

In the Matter of JUSTIN DANIELCZUK,  
JORDAN DANIELCZUK, and BRIANNA  
DANIELCZUK, Minors.

---

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DASON DANIELCZUK and HEATHER  
DANIELCZUK,

Respondents-Appellants.

---

UNPUBLISHED  
February 23, 2006

No. 263644  
Kalamazoo Circuit Court  
Family Division  
LC No. 03-000382-NA

Before: Cooper, P.J., and Jansen and Markey, JJ.

PER CURIAM.

Respondents appeal as of right from the trial court order terminating their parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in determining that the statutory grounds for termination of parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence showed that the middle child, Jordan, was a medically fragile child and that he suffered from “Failure to Thrive” once respondent mother left him in respondent father’s primary care. He deteriorated dangerously in respondents’ care and was adjudicated a temporary court ward on February 25, 2004. One-year-old Justin remained in the home, which was dirty and unkempt. Justin was subject to respondents’ toxic relationship and emotional instability, which escalated into destructive arguments. Brianna was born in April 2004 and remained in respondents’ care, but observers noted that the children and respondent mother lacked proper hygiene.

Although respondents participated in counseling and with the Visiting Nurse Association in-home services to some extent, they did not rectify their lack of insight into the children’s needs, or their poor parenting and emotional instability during the first ten months of the proceeding. Respondent father had limited cognitive abilities and immutable mental health issues, and he engaged in periodic destructive outbursts in front of Justin and Brianna. He was ordered out of the home in August 2004. In September 2004, respondents voluntarily placed

Justin and Brianna in foster care, admitting that they could not care for them and feeling that they could better complete services if the children were removed and they resided together.

However, for the next eight months respondents completely stopped participating in services, and they became unemployed and homeless. Although respondent mother was intellectually borderline and suffered from depression, she may have become able to adequately parent if she had complied substantially with services and took prescribed medication regularly. Instead, she chose to continue her toxic relationship with respondent father and follow his lead in failing to comply with services. Respondent father was prescribed new medication in December 2004 that he claimed stabilized him, but he completely failed to participate in any services despite his alleged stabilization.

The evidence was clear and convincing that respondents failed to provide proper care and custody for all of the children, and given their lack of progress were not reasonably likely to be able to provide proper care or custody within a reasonable time. The children could be harmed if returned to their care. Despite claims of new emotional stability, respondents both had a history of failing to take prescribed medication regularly. In addition, respondents failed to benefit from services in sixteen months, and at the time of termination were unable to provide the children with a home or basic necessities.

Further, the evidence failed to show that termination of respondents' parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Jordan was bonded primarily to his foster mother. Justin and Brianna had been out of respondents' care for only eight months before termination, and presumably there was a strong parent-child bond. However, respondents were unable to provide the children with proper care within a reasonable time, the children could be harmed if returned to them, and adoption was possible for all three children. Therefore, the trial court did not err in finding that termination of parental rights was in the children's best interests.

Affirmed.

/s/ Jessica R. Cooper

/s/ Kathleen Jansen

/s/ Jane E. Markey